APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/623,641	09/06/2000	Francois Rey	11345.026001	4899

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ROSENTHAL & OSHA L.L.P.
1221 MCKINNEY AVENUE
SUITE 2800
HOUSTON, TX 77010

EXAMINER
MAURO JR, THOMAS J

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 11/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _06 September 2000_ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-17_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-14,16 and 17_ is/are rejected.

7)☒ Claim(s) _15_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _06 September 2000_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☒ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _4_ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

1.   Claims 1-17 are pending. A formal action on the merits for claims 1-17 follows.

Priority

2.   Acknowledgment is made of applicant's claim for foreign priority based on an application

filed in European (EPO) on 03/06/1998. It is noted, however, that applicant has not filed a

certified copy of the 98400541.3 application as required by 35 U.S.C. 119(b).

Drawings

3.   New corrected drawings are required in this application because drawings fail to clearly

show the details of the applicant's invention. Applicant is advised to employ the services of a

competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no

longer prepares new drawings. The corrected drawings are required in reply to the Office action

to avoid abandonment of the application. The requirement for corrected drawings will not be

held in abeyance.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5.   Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing

to particularly point out and distinctly claim the subject matter which applicant regards as the

invention.

- Claim 1 recites the limitation "the memory" in line 2. There is insufficient antecedent

basis for this limitation in the claim.

6.   Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

- Regarding claim 12, the word "may" renders the claim indefinite because it is unclear

whether the limitation(s) following the phrase are part of the claimed invention or not.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

8.   Claims 1-5, 7-12 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent No. 6,163,316 to Killian.

With respect to claim 1, Killian teaches a terminal for processing digital audio-visual or

multimedia data including a data processing system and a memory [**Killian -- Figure 1, Figure**

3, Col. 3 lines 7-10 and 50, Col. 8 lines 49-52 and Col. 9 lines 14-15 – JAVA-T.V., i.e. data

processing terminal, contains both on-board memory for storage and a database],

characterized in that the data processing system stores in the memory user profile data relating to

the characteristics or preferences of a plurality of types of user of the terminal [**Killian -- Figure**

3 and Col. 9 lines 10-15 – Viewer profiles are stored in a database].

With respect to claim 2, Killian further teaches where the user profile is defined in

relation to a mode of operation of the terminal [**Killiam -- Col. 8 lines 65-67 – Col. 9 lines 1-9 –**

During one mode, profiles are accessed when T.V. is in electronic program guide, EPG,

mode].

With respect to claim 3, Killian further teaches where the user profile is defined in

relation to the connection of an external device [**Killian -- Figure 1 and Col. 3 lines 7-12 –**

External device, i.e. VCR is connected to JAVA-TV].

With respect to claim 4, Killian further teaches where a user profile is personalized in relation to the identity of the operator **[Killian -- Col. 9 lines 15-19 – Each user in the household would have a separate profile]**.

With respect to claim 5, Killian further teaches where the user profile data includes resource data indicating the resources within the terminal accessible by each user **[Killian -- Col. 14 lines 42-49 – Viewing habits of users can be controlled by others, i.e. parents, to block out certain programs or TV. listings]**.

With respect to claim 7, Killian further teaches where the user profile data comprises data relating to the attributes of information to be supplied to each user **[Killian -- Col. 12 lines 32-53 – User can specify in his/her profile, color codes to be displayed in electronic program guide]**.

With respect to claim 8, Killian further teaches where the user profile data comprises data relating to the actions permitted by each user **[Killian -- Col. 14 lines 49-61 – User profile, i.e. child profile, could have certain channels blocked during certain times of the day or when certain types of programming are being aired]**.

With respect to claim 9, Killian further teaches where some or all of the characteristics or preferences of the user profile data are modifiable during normal operation of the terminal by an

operator [**Killian -- Col. 9 lines 19-22 -- Non-child viewers of the electronic program guide (EPG) can modify profile at any time during operation**].

With respect to claim 10, Killian further teaches where some or all of the user profile data is predetermined by the data processing system of the terminal [**Killian -- Col. 9 lines 26-29 and 43-46 -- T.V. has predetermined templates which are presented to the user**].

With respect to claim 11, Killian further teaches where the terminal comprises a data processing system comprising, a virtual machine and an object oriented application interface layer comprising a plurality of class libraries [**Killian -- Figure 2 and Col. 6 lines 6-31 -- JAVA implements the system using Java Virtual Machine and supporting classes, i.e. libraries**].

With respect to claim 12, Killian further teaches a terminal in which the application interface layer may comprise a class libraries defining the operation of the virtual machine with respect to user profile data [**Killian -- Col. 7 lines 49-53 -- API allows the construction and modification of viewer profiles**].

With respect to claim 16, Killian further teaches a terminal comprising a decoder adapted to receive data transmissions in a digital transmission system [**Killian -- Col. 3 lines 12-18 and Col. 4 lines 20-38 -- Decoder signal processes digital data and integrates television and internet signals**].

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10.   Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No.

5,005,084 to Skinner.

        With respect to claim 17, Skinner teaches a method of operation of a terminal for

processing digital audio-visual or multimedia data including a data processing system and a

cache memory **[Skinner -- Col. 3 lines 25-30 – Non-volatile memory, i.e. cache memory]**

characterized by the step of storing in the terminal memory user profile relating to the

preferences of a plurality of users of the terminal **[Skinner -- Col. 3 lines 62-64]**.

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Killian in view of

U.S. Patent No. 5,862,325 to Reed et al.

Regarding claim 6, Killian teaches a terminal along with user profile data **[Killian -- Col.**

3 lines 7-10 and Col. 9 lines 10-15 – T.V., i.e. terminal, and user profiles]. Killian fails to

teach priority data indicating the priority of each user with respect to accessing terminal

resources. Reed, however, teaches controlling access to the resources of a system based upon a

user's priority **[Reed -- Col. 130 lines 52-57 – Users with higher priority are given**

precedence over other users for access to the resources of a system].

It would have been obvious to one of ordinary skill in the art at the time the invention was made

to include regulating access to resources based upon user priority as taught by Reed into the

invention of Killian, in order to protect one user accessing a given resource from another use

trying to access and take control of the same resource.

13.   Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No.

6,163,316 to Killian in view of Applicants Admitted Prior Art (AAPA).

Regarding claim 13, Killian teaches a terminal in which the application interface layer

comprises class libraries **[Killian -- Col. 7 lines 49-53 – API contains class libraries for**

JAVA-TV and profiles]. Killian fails to teach a library dedicated to memory management of

user profile data in the memory of the terminal.

AAPA, however, teaches that such a memory management class library comes standard with

object oriented programming architectures, i.e. Java [**AAPA -- Page 16 lines 4-9**].

It would have been obvious to one of ordinary skill in the art at the time the invention was made

to have included this class library for managing memory as taught by AAPA into the invention

of Killian in order to allow the program running on the JAVA-TV to access the memory for

profiles of different users to display their respective preferences.

Regarding claim 14, Killian teaches the invention substantially as claimed, a terminal in

which the application interface layer comprises a user profile class library adapted to define the

characteristics of the data to be stored in the user profiles [**Killian -- Col. 7 lines 49-58 – API**

contains a class for constructing viewer profiles, which implicitly contains information that

defines what data will be customized and stored for the user].

Allowable Subject Matter

14.   Claim 15 is objected to as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including all of the limitations of the base claim and

any intervening claims.

Conclusion

15.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

- Nickum (U.S. Patent No. 6,359,661) discloses a system for controlling the

  programming of a television for multiple users by setting up separate profiles using

  access codes within a remote control.

- DiChiara et al. (U.S. Patent No. 4,858,117) discloses a system of preventing

  unauthorized computer access of externally controlled devices.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Thomas J. Mauro Jr. whose telephone number is 703-605-1234.

The examiner can normally be reached on M-F 8:00a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David A. Wiley can be reached on 703-308-5221. The fax phone number for the

organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-3900.

TJM
October 29, 2003

BUNJOB JAROENCHONWANIT
PRIMARY EXAMINER